

Date: Mon, 9 May 94 04:30:10 PDT
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V94 #197
To: Ham-Policy

Ham-Policy Digest Mon, 9 May 94 Volume 94 : Issue 197

Today's Topics:

 6-meters band usage.
 Antenna CC&R restrictions -- let's change the law
 Station Licenses

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: 9 May 1994 08:59:00 GMT
From: ihnp4.ucsd.edu!swrinde!cs.utexas.edu!math.ohio-state.edu!jussieu.fr!univ-
lyon1.fr!elendir@network.ucsd.edu
Subject: 6-meters band usage.
To: ham-policy@ucsd.edu

Hi and 73 !

I'm going to ask for 6-meters permit here in France. However, our
authorization is only valid from 50.2 to 51.2 MHz. Could you tell me what
kind of traffic mode is assigned on this slice ? SSB ? CW ? SSTV ?

Thanks and nice traffic with the E-sporadic !!

Vince, F1RCS

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ENST - Ecole Nationale Supérieure des Telecommunications, Paris, France

Date: Sun, 8 May 1994 14:16:45 GMT
From: ihnp4.ucsd.edu!pacbell.com!att-out!cbnewst!waco@network.ucsd.edu
Subject: Antenna CC&R restrictions -- let's change the law
To: ham-policy@ucsd.edu

Perhaps Congress can address the problem of CC&R (Covenants, Conditions & Restrictions) that appear in deeds and homeowner association documents that prohibit outside antennas which negatively impact amateur radio operators. As you know, PRB-1 specifically exempted these saying they are part of a contract between two private parties. I maintain this is not true as a valid contract has to meet several criteria, one being that both parties must be able to negotiate the terms and agree to them. This is not the case with CC&Rs; there is no negotiation between seller and buyer.

When I wrote my U.S. representative, J. Dennis Hastert, to thank him for his co-sponsorship of H.R. 2623, a bill to limit the liability of hams who participate in volunteer programs for the benefit of the Amateur Radio Volunteer Services Act, I suggested that Congress consider legislation to preempt CC&Rs as they pertain to amateur radio antennas. The FCC can only write regulations to enforce provisions of the Communications Act and other legislation regarding radio operation that are passed by Congress.

Here is an excerpt of the reply dated 4/25/94 I got from Mr. Hastert:

"I appreciated the kind words of support you voiced for H.R. 2623, a bill to limit liability for amateur radio operators. I also was interested to read your suggestions for addressing another area of concern, that of covenants, conditions and restrictions.

As a member of the House Telecommunications & Finance Subcommittee, which has oversight authority over the F.C.C., I'll be keeping your thoughts -- and the needs of amateur radio operators -- closely in mind.

Again, thanks for your note. Please keep in touch!

Sincerely,

(signed)
J. Dennis Hastert
Member of Congress"

So, his letter indicates to me that he is open to looking at the issue of CC&Rs. Also, it turns out, he is a member of the proper subcommittee to address this issue. Therefore, I would urge anyone who has comments on the desirability of a CC&R preemption to contact him in his capacity as a subcommittee member. Anyone who has factual information and/or

personal experiences with problems caused by CC&R restrictions, please pass along that information to him. I did mention in my letter that it often costs amateurs thousands of dollars and ties up courts with law suits in order to be able to erect and maintain antenna structures. With most new subdivisions today having CC&Rs prohibiting antennas, this is an issue I think Congress needs to address.

Some states are passing laws preempting municipalities from enforcing restrictions stricter than PRB-1, but I am not sure how many are preempting CC&Rs. They are quite different from local ordinances as they are an encumbrance upon a piece of real estate, like a utility easement or mortgage, rather than being just a municipal ordinance.

Send your comments to:

Honorable J. Dennis Hastert
House of Representatives
2453 Rayburn House Office Building
Washington, D.C. 20515-1314

Use the salutation:

Dear Mr. Hastert

FYI, his phone number is (202) 225-2976 in Washington, (708) 406-1114 in Batavia, IL and (815) 538-3322 in Mendota, IL (hey, my home town).

73,

John, WB9VGJ

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John L. Broughton | snail mail: Room 1K-322
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-- Gun control means using both hands. --

Home:

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Date: 7 May 94 16:56:46 GMT
From: yale.edu!noc.near.net!news.delphi.com!usenet@yale.arpa
Subject: Station Licenses
To: ham-policy@ucsd.edu

The "primary" station license now refers to a station license of an individual amateur. The space reads "club" where the station belongs to a club (while new club station licenses not being issued, older club station licenses can be renewed).

End of Ham-Policy Digest V94 #197
